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P. O. Box 13033
Reading, PA 19612
August 24, 1995

Assistant Attorney General for the Environment
and Natural Resources Division
Department of Justice
Washington, D.C. 20530

RE: United States v. Terry Shaner, at al.,
DOJ Ref. #90-11-3-76

The following comments are related to the proposed Consent Decree for the remedial action plan chosen for cleanup of the Brown's Battery Breaking Superfund Site.

The residents of Laureldale are very much opposed to Exide/GBC incinerating contaminated soil in our community. We urge you to drop the proposal of burning Brown's Battery Breaking material and the construction of a plasma arc furnace at the Laureldale facility. Please consider using the alternative cleanup method.

While the move is on by government and EPA to remove lead from solder cans, paint and gasoline, our community continues to be exposed to this deathly element by Exide's lead smelter and battery manufacturing process. It's the same atom, only a different exposure - **THE PROBLEM REMAINS THE SAME**. There are health risks from this exposure and the government and regulatory agencies sit back and say that it's fine for people to continue dying from lead smelters and battery manufacturing facilities, but not from cans, paint and gasoline.

This plan would allow Exide to use an experimental technology to remediate lead contaminated soil in our densely populated community. We believe that approval of this plan was granted on the basis of expediency and in the interest of saving Exide money; **NOT** on the basis of what would be best for the people in the area. This belief is supported by the fact that the state of Pennsylvania does not concur with the Record of Decision.

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A brief and certainly not all inclusive summary of our concerns is as follows:

1. With EPA's decision to excavate and transport the contaminated soil and battery casings from Tilden Twp., to Exide's facility they are encouraging the use of vehicles to pollute our air, while individuals are encouraged to use their automobiles less because of the ozone layer depletion.

According to the company's proposal, 3 trucks a day will transport the material approximately 10 miles to the facility. Each truck carrying a 20 ton load, making 7 trips a day, 5 days a week, will haul in 700 tons at the end of a week, and this is no short term project.

We live in a valley which experiences inversions constantly. The area is already on record for air pollution and is regularly monitored.

2. This approach does not consider the safety of the public, protection of human health, and environment. Take into consideration the populated area neighboring the site, the impact that the plan may have on food or agricultural products meant for human consumption that are grown or processed within a one mile radius of this site. This facility is located within 1 mile of several churches, schools, hospital, community parks and playgrounds, several retail centers, nursing homes, farms and occupied dwellings.

3. Also consider the portion of delivery roads within the sites and the risk of accidents during the transportation of the toxic wastes.

Exide has stated this furnace will be portable. If this is true, than why not remediate the toxic material on site rather than creating additional toxic exposures.

4. Exide has a history of extensive and repeated federal and state violations which clearly indicate a lack of will, lack of competence or both in managing their existing operations within applicable laws and regulations.

5. This thermal treatment method is no different than if the soil was actually incinerated. Volatile gases are still formed during the treatment process which results in toxic chemicals being released out of a stack. Whatever is burned in the furnace will end up in the stack gases and come out into the air, land, and water.

Wooded areas, open fields, streams, residential properties and the site have lead contaminated soil, with no proposed cleanup plans known to the residents. This plant poses a substantial hazard to the surrounding neighborhoods without the expansion of its operations.

We urge you to look at this proposal for what it is - a poor choice for protecting people in our community motivated more by politics and profits than by scientific data or common sense.

The residents of the Laureldale area are to be guinea pigs for the \$15 million plan. Small price compared to our expense -
LIFE!

The L.E.A.D. Group of
Berks County

Nancy L. Tobias
Nancy L. Tobias, Pres.